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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,479	02/22/2002	Paul Giampavolo	P/1759-85	4324
2352 7590 01/17/2007 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			EXAMINER CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/082,479	GIAMPAVOLO, PAUL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Korie H. Chan	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18,26,27,29 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18,26,27,29, 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

The amendment filed October 31, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The added recitation "flexible plastic" is new matter. Applicant's specification merely recites that the "hook shaped member 10 can be formed of plastic, metal, or wood, for example" (paragraph [0017], last sentence. Plastic is not necessarily flexible. There are also rigid or hard plastic. Applicant's statement filed 10/31/2006 "The purpose of this construction is to allow the hook to snap over the rod and, that is, the hook is made of flexible plastic which allows the hook to snap over the rod to prevent accidental disengagement of the hook and rod". (Remarks/Arguments filed 10/31/2006, lines 14-16). Examiner finds no support for such language in the original disclosure. Indeed, several places of the original specific discusses resistance is achieved due to the convex shapes of the hook resistance portion 22 and 26 (paragraph [0024]) and with careful manipulation such as by tilting the hook (paragraph [0025], 3<sup>rd</sup> and 4<sup>th</sup> sentence), the "device is easily removed without excessive force" (paragraph [0025], last sentence). Indeed, the resistance of the hook is not by "snap" action as in applicant's statement.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

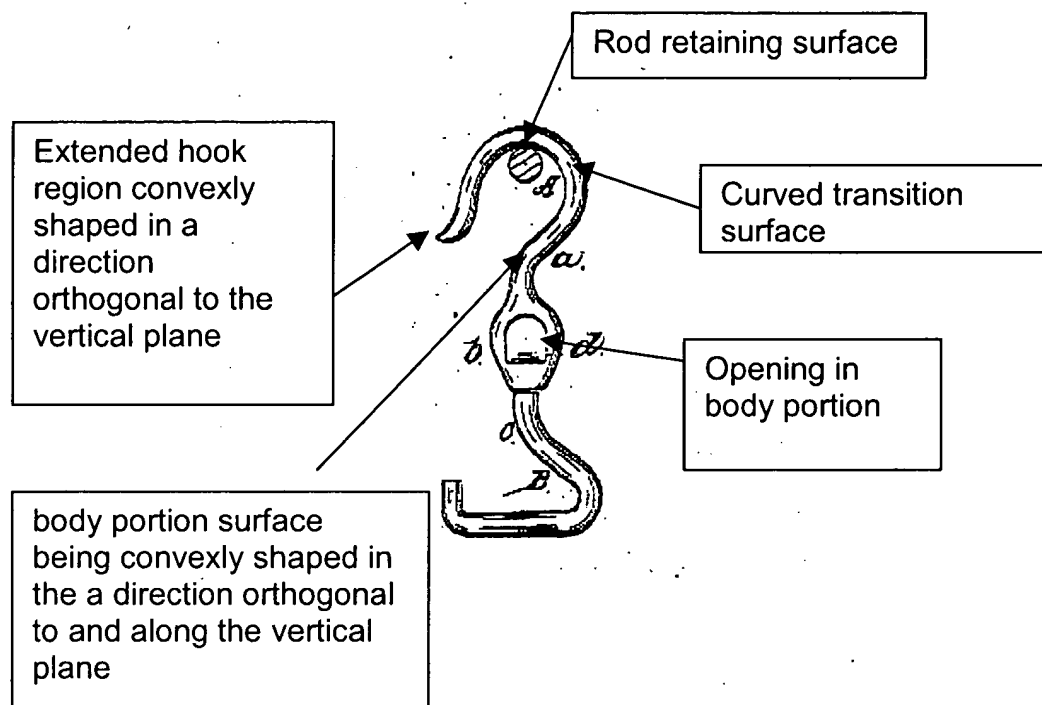
Claims 18, 26, 27, 29, 32-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As discussed above, the recitation "flexible plastic" is new matter as original specification merely discloses that the hook is made of plastic. Plastic maybe flexible or rigid.

***Claim Rejections - 35 USC § 103***

Claims 29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ursitti (U.S. patent no. D395,555) in view of Oatley (US patent no. 70,884) and Byers et al (US patent no. 5,046,222). Ursitti discloses a device for garment having a hook portion and a body portion with opening and a strap threaded through the opening nor hook made of flexible plastic. However, Ursitti does not disclose an extended hook region surface is convexly shaped in the direction orthogonal to the vertical plane passing through a center of the extended hook region surface, wherein the body portion surface is also convexly shaped in the direction orthogonal to the vertical plane such that a size of the hook opening decreases towards a point and thereafter increases. Oatley teaches a hook with an extended hook region surface is convexly shaped in the direction orthogonal to the vertical plane passing through a center of the extended hook region surface, wherein the body portion surface is also convexly shaped in the direction orthogonal to the vertical plane such that a size of the hook opening decreases

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towards a point and thereafter increases to catch the hanger rail. (see illustration below).



It would have been obvious to one of ordinary skilled in the art to have modify Ursitti's hook apparatus such that it is made of flexible plastic as taught by Byers as such is old and well-known in the art and to provide convex shaped surfaces of the hook to catch the rail as taught to be desirable by Oatley.

Claims 27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ursitti (U.S. patent no. D395,555) in view of Oatley (US patent no. 70,884) and Byers et al (US patent no. 5,046,222) and further in view of Hall (637,733). Ursitti,

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Oatley, Byers combined disclosed all the claimed features of applicant's invention except for the opening is rectangular or providing plural openings with strap threading through each. Hall teaches a hanger device comprising a hook portion (G, figure 2) and a body portion having rectangular openings (b, d, figure 2) a strap (B, figure 1) threaded through each opening. It would have been obvious to one of ordinary skill in the art to have modify the opening of Ursitti such that the opening is rectangular for accommodating the rectangular cross-section strap and to provide plural openings with strap threading through each such that the strap is firmly attached to the openings as taught by Hall.

Claims 18 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ursitti (U.S. patent no. D395,555) in view of Oatley (US patent no. 70,884) and Byers et al (US patent no. 5,046,222) further in view of Adkins (US patent no. 5,083,813). Ursitti, Oatley, and Byers combined disclosed all the claimed features of applicant's invention as discussed above (in the rejection of claim 29). However, Ursitti, Oatley, and Byers combined does not show the rod as having a diameter of approximately a same size as the first dimension of the hook opening. To provide the first dimension of the hook opening to be at least approximately a same size as the diameter of the rod in order to provide an impeding opening is old and well-known. Adkins teaches providing a hook opening (16, figure 4) being approximately a same size as the diameter of the rod (28 and Col. 3, lines 20 only "slightly less"). It would have been obvious to one of ordinarily skilled in the art to have made the hook opening of Ursitti, Oakley, and Byers combined to be of approximately the same size as the rod

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diameter as taught by Adkins to facilitate the well-known advantage of providing an impeding opening.

Claims 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ursitti (U.S. patent no. D395,555) in view of Oatley (US patent no. 70,884), Byers et al (US patent no. 5,046,222), and Adkins (US patent no. 5,083,813) as applied to claim 18 above, and further in view of Hall (637,733). Ursitti, Oatley, Byers et al, and Adkins combined disclosed all the claimed features of applicant's invention except for the opening is rectangular or providing plural openings with strap threading through each. Hall teaches a hanger device comprising a hook portion (G, figure 2) and a body portion having rectangular openings (b, d, figure 2) a strap (B, figure 1) threaded through each opening. It would have been obvious to one of ordinary skill in the art to have modify the opening of Ursitti, Oatley, Byers, and Adkins combined such that the opening is rectangular for accommodating the rectangular cross-section strap and to provide plural openings with strap threading through each such that the strap is firmly attached to the openings as taught by Hall.

### ***Response to Arguments***

Applicant's arguments filed October 31, 2006 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further the teaching of flexible plastic is new matter not

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supported by the original disclosure. The deficiencies of the primary reference Ursitti is clearly discussed. Oatley clearly teaches the conventional hook shape claimed by applicant and advantageous having dimensions sufficient to catch the rail to which the hook is to be hang as a desirable feature disclosed in Oatley. Byers clearly teaches the conventional use of flexible plastic in hangers with hooks. Adkins clearly teaches having a restraining feature where the opening is approximately the same for snap fit. Hall clearly demonstrates threading of straps in a hanger assembly.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
January 8, 2007